

1 **Title 5. EDUCATION**

2 **Division 1. State Department of Education**

3 **Chapter 3. Handicapped Children**

4 **Subchapter 1. Special Education**

5 **Article 5. Implementation (Program Components)**

6
7 *1. Amend Section 3051.16 to read:*

8 **§ 3051.16. Specialized Services for Low-Incidence Disabilities.**

9 (a) Specialized Services for low-incidence disabilities may include:

10 (1) Specially designed instruction related to the unique needs of pupils with low-incidence
11 disabilities provided by teachers credentialed pursuant to Education Code section 44265.

12 (2) Specialized services related to the unique needs of pupils with low-incidence disabilities
13 provided by qualified individuals such as interpreters, notetakers, readers, transcribers, and other
14 individuals who provide specialized materials and equipment.

15 (a) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

16 (1) Any educational interpreter for deaf and hard of hearing pupils employed as of January
17 1, 2007, must be certified by the Registry of Interpreters for the Deaf (RID) or equivalent, or if
18 providing cued speech interpreting services, by any certifying body recognized by the National
19 Cued Speech Association (NCSA).

20 NOTE: Authority cited: Section 56100(a) and (i), Education Code. Reference: Section 56363,
21 Education Code; and Section 300.23, Title 34, Code of Federal Regulations.

22 *2. Amend Section 3065 in Article 6 to read:*

23 **§ 3065. Staff Qualifications – Designated Instruction and Services.**

24 To be eligible for certification to provide designated instruction and services for individuals
25 with exceptional needs, nonpublic schools and agencies shall meet the following requirements:

26 (a)(1) "Adapted physical education" means:

1 (A) a modified general physical education program, or a specially designed physical
2 education program in a special class; or

3 (B) consultative services provided to pupils, parents, teachers, or other school personnel for
4 the purpose of identifying supplementary aids and services or modifications necessary for
5 successful participation in the general physical education program or specially designed physical
6 education programs.

7 (2) Adapted physical education shall be provided only by personnel who possess a credential
8 that authorizes service in adapted physical education.

9 (b) "Assistive technology service" means any service that directly assists an individual with
10 exceptional needs in the selection or use of an assistive technology device that is educationally
11 necessary. The term includes the evaluation of the needs of an individual with exceptional needs
12 including a functional evaluation of the individual in the individual's customary environment;
13 coordinating and using other therapies, interventions, or services with assistive technology
14 devices, such as those associated with existing education programs and rehabilitation plans, and
15 programs; training or technical assistance for an individual with exceptional needs or, where
16 appropriate, the family of an individual with exceptional needs or, if appropriate, that
17 individual's family; and training or technical assistance for professionals (including individuals
18 providing education and rehabilitation services), employers or other individuals who provide
19 services to, employ, or are otherwise substantially involved in the major life functions of
20 individuals with exceptional needs.

21 (2) Assistive technology services shall be provided only by personnel who possess a:

22 (A) license in Physical Therapy issued by a licensing agency within the Department of
23 Consumer Affairs, where the utilization of assistive technology services falls within the scope of
24 practice of physical therapy as defined in Business and Professions Code section 2620 and
25 implementing regulations; or

26 (B) certificate of registration as an Occupational Therapist pursuant to Business and
27 Professions Code section 2570 et seq., where the utilization of assistive technology services falls

1 within the scope of practice of occupational therapy; or

2 (C) license in Speech-Language Pathology issued by a licensing agency within the
3 Department of Consumer Affairs or a valid document, issued by the Commission on Teacher
4 Credentialing, where the function of the assistive technology service is augmentative
5 communication; or

6 (D) baccalaureate degree in engineering; with emphasis in assistive technology; or

7 (E) baccalaureate degree in a related field of engineering with a graduate certificate in
8 rehabilitation technology or assistive technology; or

9 (F) certification from the Rehabilitation Engineering and Assistive Technology Society of
10 North America and Assistive Technology Provider (RESNA/ATP); or

11 (G) a certificate in assistive technology applications issued by a regionally accredited post-
12 secondary institution; or

13 (H) a credential that authorizes special education of physically handicapped, orthopedically
14 handicapped, or severely handicapped pupils.

15 (c)(1) "Audiological services" means aural rehabilitation (auditory training, speech reading,
16 language habilitation, and speech conservation) and habilitation with individual pupils in the
17 general classroom; monitoring hearing levels, auditory behavior, and amplification for all pupils
18 requiring personal or group amplification in the instructional setting; planning, organizing, and
19 implementing an audiology program for individuals with auditory dysfunctions, as specified in
20 the individualized education program; or consultative services regarding test finding,
21 amplification needs and equipment, otological referrals, home training programs, acoustic
22 treatment of rooms, and coordination of educational services to hearing-impaired individuals.

23 (2) Audiological services shall be provided only by personnel who possess:

24 (A) a license in Audiology issued by a licensing agency within the Department of Consumer
25 Affairs; or

26 (B) a credential authorizing audiology services.

27 (d) Behavior intervention shall be designed or planned only by personnel who have:

(1) pupil personnel services credential that authorizes school counseling or school psychology; or

(2) credential authorizing the holder to deliver special education instruction; or

(3) license as a Marriage, Family, and Child Counselor issued by a licensing agency within the Department of Consumer Affairs; or

(4) license as a Clinical Social Worker issued by a licensing agency within the Department of Consumer Affairs; or

(5) license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or

(6) license as a Psychologist issued by a licensing agency within the Department of Consumer Affairs; or

(7) master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or in a related field.

(e) To be eligible for certification to provide behavior intervention, including implementation of behavior modification plans, but not including development or modification of behavior intervention plans, a nonpublic school or agency shall deliver those services utilizing personnel who:

(1) possess the qualifications under subdivision (d); or

(2)(A) are under the supervision of personnel qualified under subdivision(d);

(B) possess a high school diploma or its equivalent; and

(C) receive the specific level of supervision required in the pupil's IEP.

(f)(1) "Counseling and guidance" means educational counseling in which the pupil is assisted in planning and implementing his or her immediate and long-range educational program; career counseling in which the pupil is assisted in assessing his or her aptitudes, abilities, and interests in order to make realistic career decisions; personal counseling in which the pupil is helped to

1 develop his or her ability to function with social and personal responsibility; or counseling with
2 parents and staff members on learning problems and guidance programs for pupils.

3 (2) Counseling and guidance shall be provided only by personnel who possess a:

4 (A) license as a Marriage, Family, and Child Counselor issued by a licensing agency within
5 the Department of Consumer Affairs; or

6 (B) license in Clinical Social Work issued by a licensing agency within the Department of
7 Consumer Affairs; or

8 (C) license as an Educational Psychologist issued by a licensing agency within the
9 Department of Consumer Affairs; or

10 (D) license as a Psychologist issued by a licensing agency within the Department of
11 Consumer Affairs; or

12 (E) pupil personnel services credential, which authorizes school counseling or school
13 psychology.

14 (g)(1) "Early education programs for children with disabilities" means the program and
15 services specified by Education Code Part 30 Section 56425 et seq.

16 (2) Early education programs for children with disabilities shall be provided only by
17 personnel who meet the appropriate personnel qualifications set forth in this Article and comply
18 with all other requirements of Education Code Chapter 4.4 commencing with Section 56425.

19 (h)(1) "Health and nursing services" means:

20 (A) managing the child's health problems on the school site;

21 (B) consulting with pupils, parents, teachers, and other personnel;

22 (C) group and individual counseling with parents and pupils regarding health problems;

23 (D) maintaining communication with health agencies providing care to individuals with
24 disabilities; or

25 (E) providing services by qualified personnel.

26 (2) Health and nursing services shall be provided only by personnel who possess:

27 (A) a license as a Registered Nurse, issued by a licensing agency within the Department of

1 Consumer Affairs; or

2 (B) a license as a Vocational Nurse, issued by a licensing agency within the Department of
3 Consumer Affairs, under the supervision of a licensed registered nurse; or

4 (C) a school nurse credential; or

5 (D) demonstrated competence in cardio-pulmonary resuscitation, current knowledge of
6 community emergency medical resources, and skill in the use of equipment and performance of
7 techniques necessary to provide specialized physical health care services for individuals with
8 exceptional needs. In addition, possession of training in these procedures to a level of
9 competence and safety that meet the objectives of the training as provided by the school nurse,
10 public health nurse, licensed physician and surgeon, or other training programs. "Demonstrated
11 competence in cardio-pulmonary resuscitation" means possession of a current valid certificate
12 from an approved program; or

13 (E) a valid license, certificate, or registration appropriate to the health service to be
14 designated, issued by the California agency authorized by law to license, certificate, or register
15 persons to practice health service in California.

16 (i)(1) "Home and hospital services" means instruction delivered to children with disabilities,
17 individually, in small groups, or by teleclass, whose medical condition such as those related to
18 surgery, accidents, short-term illness or medical treatment for a chronic illness-prevents the
19 individual from attending school.

20 (2) Home or hospital instruction shall be provided only by personnel who possess a valid
21 teaching credential.

22 (j)(1) "Language and speech development and remediation" means screening, assessment,
23 individualized education program development and direct speech and language services
24 delivered to children with disabilities who demonstrate difficulty understanding or using spoken
25 language to such an extent that it adversely affects their educational performance and cannot be
26 corrected without special education and related services.

27 (2) Language and speech development and remediation shall be provided only by personnel

1 who possess:

2 (A) a license in Speech-Language Pathology issued by a licensing agency within the
3 Department of Consumer Affairs; or

4 (B) a credential authorizing language or speech services.

5 (k)(1) "Occupational therapy" means the use of various treatment modalities including self-
6 help skills, language and educational techniques as well as sensory motor integration, physical
7 restoration methods, and prevocation exploration to facilitate physical and psychosocial growth
8 and development.

9 (2) Occupational therapy shall be provided only by personnel who have certification in good
10 standing with the National Board for Certification in Occupational Therapy, Inc. as a registered
11 occupational therapist (OTR) or certified occupational therapy assistant (COTA). Services
12 provided by a COTA shall be supervised by an OTR in accordance with professional standards
13 outlined by the American Occupational Therapy Association.

14 (l)(1) "Orientation and mobility instruction" means specialized instruction for individuals in
15 orientation and mobility techniques or consultative services to other educators and parents
16 regarding instructional planning and implementation of the individualized education program
17 relative to the development of orientation and mobility skills and independent living skills.

18 (2) Orientation and mobility instruction shall be provided only by personnel who possess a
19 credential that authorizes services in orientation and mobility instruction.

20 (m)(1) "Parent counseling and training" means assisting parents in understanding the special
21 needs of their child and providing parents with information about child development.

22 (2) Parent counseling and training shall be provided only by personnel who possess a:

23 (A) credential that authorizes special education instruction; or

24 (B) credential that authorizes health and nursing services; or

25 (C) license as a Marriage, Family, and Child Counselor, issued by a licensing agency within
26 the Department of Consumer Affairs; or

27 (D) license as a Clinical Social Worker, issued by a licensing agency within the Department

of Consumer Affairs; or

(E) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or

(F) license as a Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or

(G) pupil personnel services credential that authorizes school counseling or school psychology or school social work.

(n)(1) "Physical therapy" means the:

(A) administration of active, passive, and resistive therapeutic exercises and local or general massage, muscle training and corrective exercises and coordination work;

(B) administration of hydrotherapy treatments;

(C) assistance in administering various types of electrotherapy including ultraviolet, infrared, diathermy and inductothermy;

(D) teaching of parents of hospitalized pupils exercises which are to be continued at home and interpret to them the significance of physical therapy services; and

(E) instruction in walking, standing, balance, use of crutches, cane, or walker and in the care of braces and artificial limbs.

(2) Physical therapy shall be provided only by personnel who possess a valid license in Physical Therapy issued by a licensing agency within the Department of Consumer Affairs.

(o)(1) "Psychological services" means:

(A) psychological counseling provided to children with disabilities;

(B) consultative services to parents, pupils, teachers, and other school personnel; or

(C) planning and implementing a program of psychological counseling for children with disabilities and parent by a credentialed or licensed psychologist or other qualified personnel.

(D) This term does not include assessment services and the development of an individualized education program.

(2) Psychological services, other than assessment and development of the individualized

education program, shall be provided only by personnel who possess a:

(A) license as a Marriage, Family, and Child Counselor, issued by a licensing agency within the Department of Consumer Affairs; or

(B) license as a Clinical Social Worker, issued by a licensing agency within the Department of Consumer Affairs; or

(C) license as an Educational Psychologist, issued by a licensing agency within the Department of Consumer Affairs; or

(D) license in Psychology, issued by a licensing agency within the Department of Consumer Affairs; or

(E) pupil personnel services credential that authorizes school psychology.

(p)(1) "Recreation services" means:

(A) therapeutic recreation and specialized instructional programs designed to assist pupils to become as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into general recreation programs;

(B) recreation programs in schools and the community which are those programs that emphasize the use of leisure activity in the teaching of academic, social, and daily living skills and the provision of nonacademic and extracurricular leisure activities and the utilization of community recreation programs and facilities; or

(C) leisure education programs which are those specific programs designed to prepare the pupil for optimum independent participation in appropriate leisure activities, and developing awareness of personal and community leisure resources.

(2) Recreation services shall be provided only by personnel who possess a:

(A) certificate, issued by the California Board of Recreation and Park Certification; or

(B) certificate issued by the National Council for Therapeutic Recreation; or

(C) the National Recreation and Park Association, authorizing services in recreation or therapeutic recreation.

(q)(1) "Social worker services" means:

1 (A) individual and group counseling with the individual and his or her immediate family;
2 (B) consultation with pupils, parents, teachers, and other personnel regarding the effects of
3 family and other social factors on the learning and developmental requirements of children with
4 disabilities; or
5 (C) developing a network of community resources, making appropriate referral and
6 maintaining liaison relationships among the school, the pupil, the family, and the various
7 agencies providing social income maintenance, employment development, mental health, or
8 other developmental services.

9 (2) Social worker services shall be provided only by personnel who possess a:

10 (A) license in Clinical Social Work issued by a licensing agency within the Department of
11 Consumer Affairs; or
12 (B) license as a Marriage, Family, and Child Counselor, issued by a licensing agency within
13 the Department of Consumer Affairs; or
14 (C) credential authorizing school social work.

15 (r)(1) "Specialized driver training instruction" means instruction to children with disabilities
16 to supplement the general driver-training program.

17 (2) Specialized driver education and driver training shall be provided only by personnel who
18 possess a credential that authorizes service in driver education and driver training.

19 (s)(1) "Specially designed vocational education and career development" means:

20 (A) providing prevocational programs and assessing work-related skills, interests, aptitudes,
21 and attitudes;

22 (B) coordinating and modifying the general vocational education program;

23 (C) assisting pupils in developing attitudes, self-confidence, and vocational competencies to
24 locate, secure, and retain employment in the community or shelter environment, and to enable
25 such individuals to become participating members of the community;

26 (D) establishing work training programs within the school and community;

27 (E) assisting in job placement;

1 (F) instructing job trainers and employers as to the unique needs of the individuals;
2 (G) maintaining regularly scheduled contract with all work stations and job-site trainers; or
3 (H) coordinating services with the Department of Rehabilitation, the Employment
4 Development Department and other agencies as designated in the individualized education
5 program.

6 (2) Specially designed vocation education and career development shall be provided only be
7 personnel who possess a:

8 (A) adult education credential with a career development authorization; or

9 (B) credential that authorizes instruction in special education or vocational education; or

10 (C) pupil personnel services credential that authorizes school counseling.

11 (t) Specialized interpreting or transcribing services for pupils with low incidence disabilities
12 shall be provided only by the following personnel:

13 (1) Interpreters for deaf and hard of hearing pupils shall possess certification issued by the
14 Registry of Interpreters for the Deaf or equivalent, or if providing cued speech services, by any
15 certifying body recognized by the National Cued Speech Association; and

16 (2) Transcribers for visually impaired pupils shall have a certificate issued by the Library of
17 Congress as a Braille Transcriber.

18 (u)(1) "Specialized services for low-incidence disabilities" means:

19 (A) specially designed instruction related to the unique needs of pupils with low-incidence
20 disabilities; or

21 (B) specialized services related to the unique needs of individuals with low-incidence.

22 (2) Specialized services for pupils with low-incidence disabilities shall be provided only by
23 personnel who possess a credential that authorizes services in special education or clinical or
24 rehabilitation services in the appropriate area of disability.

25 (v)(1) "Vision services" means:

26 (A) adaptations in curriculum, media, and the environment, as well as instruction in special
27 skills; or

1 (B) consultative services to pupils, parents, teachers, and other school personnel.

2 (2) Vision services shall be provided only by personnel who possess:

3 (A) a license as an Optometrist, Ophthalmologist, Physician or Surgeon, issued by a licensing
4 agency with the Department of Consumer Affairs and authorizing the licensee to provide the
5 services rendered, or

6 (B) a valid credential authorizing vision instruction or services.

7 (w) Other designated instruction and services not identified in this section shall only be
8 provided by staff who possess a license issued by a licensing agency with the Department of
9 Consumer Affairs authorizing the licensee to provide the specific service or possess a credential
10 authorizing the service or is qualified to provide the service.

11 NOTE: Authority cited: Sections 33031, 56100 and 56366(e), Education Code. Reference:
12 Section 17505.2, Business and Professions Code; Section 56366.1, Education Code; and Section
13 300.136 and 300.23, Title 34, Code of Federal Regulations.